

November 13, 2001

**MAKE BASEBALL PLAY BY THE SAME RULES AS OTHER PROFESSIONAL SPORTS
AND BUSINESSES BEFORE BASEBALL ELIMINATES 2 TEAMS**

Be an Original Cosponsor of
the "Fairness in Antitrust in National Sports (FANS) Act of 2001"

Dear Colleague:

Please join us as an original cosponsor of the "Fairness in Antitrust in National Sports (FANS) Act of 2001," legislation that would limit baseball's antitrust exemption as it relates to decisions to eliminate or relocate a major league baseball team. After one of the greatest World Series of all time that gave a much needed boost to the entire Country, we were all dismayed by Major League Baseball's shocking decision just two days later to eliminate two teams as early as December 15 of this year – with the prospect of at least two more eliminations to come. We believe it is imperative that Congress move quickly to insure that decisions of this nature by Major League Baseball are subject to the antitrust laws like all other professional sports and businesses.

The teams most likely subject to elimination are the Minnesota Twins, Montreal Expos, Tampa Bay Devil Rays, Florida Marlins, Oakland Athletics and Kansas City Royals. Additionally, the elimination of Major League teams would likely wreak havoc and uncertainty in a host of minor league cities. Clearly, minor league teams in the following cities are in immediate jeopardy: Harrisburg, PA, Jupiter, FL, Clinton, IA, Winooksi, VT, Portland, ME, Melbourne, FL, Geneva, IL, Utica, NY, Durham, NC, Charleston, SC, Wappinger Falls, NY, Princeton, WV, New Britain, CT, Fort Myers, FL, Elizabethton, TN, Sacramento, CA, Midland, TX, Modesto, CA, Visalia, CA, Phoenix, AZ, Omaha, NE, Wichita, KS, Wilmington, DE, Burlington, IA, Spokane, WA and Davenport, FL.

Professional baseball is the only business in the United States that is exempt from the antitrust laws without being subject to alternative regulatory supervision. The exemption was granted by the Supreme Court in 1922 in a now much-maligned decision which held that baseball was a "game" and did not constitute "trade or commerce" within the meaning of the antitrust laws. Despite the fact that professional baseball has grown into a \$3 billion a year business and all of the other major sports leagues have been held to be subject to the antitrust laws, the Supreme Court decision has not been overturned. The end result of baseball's special treatment has been the perpetuation of a closed, cartelized industry in which the few, incumbent club owners possess inordinate power over fans, players, municipalities, vendors, and potential expansion investors, who all remain economically marginalized.

To level the playing field and help prevent further damage to the fans, players, workers and businesses affected by the owners' rash action, we are introducing the FANS Act. The legislation subjects the owners to the antitrust laws when they unilaterally decide to eliminate or

relocate a team. The bill tracks in all other respects the Curt Flood Act enacted in 1998 to repeal the antitrust laws as they apply to the employment of Major League Baseball players. As with the Curt Flood Act, the FANS Act is carefully crafted to insure it does not limit any prerogatives of the minor leagues.

If you are interested in being an original cosponsor of the FANS Act or need any further information, please contact Scott Deutchman or Danielle Brown of the House Judiciary Committee staff at 225-6906 or Marge Baker of the Senate HELP Committee staff at 224-4925 by 5:00 p.m., Wednesday, November 14, 2001.

Sincerely,

John Conyers, Jr.
Member of Congress

Paul Wellstone
U.S. Senator

Tom Harkin
U.S. Senator

Mark Dayton
U.S. Senator

Betty McCollum
Member of Congress

Martin Olav Sabo
Member of Congress

James P. Moran
Member of Congress

Earl Pomeroy
Member of Congress